



MEMORANDUM

FC 14 (01-02-07)

TO: Board of Directors

FROM: Recycled Water Committee

SUBJECT: 05/25/2022 RWC Meeting Summary

DATE: June 28, 2022

This memorandum summarizes the Recycled Water Committee (Committee) meeting held on May 25, 2022. Chairperson Tony Estremera, and Committee Members Richard Santos and Barbara Keegan were present, constituting a quorum of the Committee.

3.1 Approval of Minutes.

The Committee unanimously approved the Minutes of the March 23, 2022, meeting.

4.1 Update on Purified Water Program Implementation including Partnership with Cities of San Jose and Palo Alto.

The Committee was informed that the release of Request for Proposal would be pushed to late summer/early fall when agreements with partners are finalized; that the final agreements would allow completion of draft EIR and issuance of RFP; that staff have been meeting with partner agencies to discuss project progress including staff presentations at council meetings; that utility information were received from cities as part of pipeline alignment design and RFP package for release later this year; that a workshop is scheduled with Cities of Mountain View and Palo Alto to resolve issues to finalize the agreement; that the City of San Jose has received the amendment to extend agreement for an additional year to reimburse staff support for continued negotiations on securing wastewater for future purified water options.

In regard to Public-Private Partnership procurement of the Purified Water Project, Ms. Kirsten Struve, Assistant Officer, added that the four teams on short list were provided an update on delays on RFP release and responded with feedback on the data room; that staff is working on the WIFIA loan letter of interest; and that the Environmental Protection Agency would launch program in the summer.

In regard to CEQA related to the Purified Water Project, Ms. Struve stated that the draft EIR would be released around the same time as the RFP; and that staff would present a visible schedule to this Committee at the next meeting.

In regard to outreach, Ms. Struve reported that a meeting with the Community Health Partnership was held to enlist their support and request a letter of support for the purified water project; and that staff would co-author a series of articles on the Santa Clara County Medical Association's News Bulletin that reaches approximate 5,000 county physicians, in addition to their letter of support for the Purified Water project.

The Committee commended staff for the level of interest received from the P3 short list respondents, and for engaging medical professional groups which have high public trust, and could be effective in sending the message that recycled water, as opposed to desalination, is the possible option at this time. Ms. Struve mentioned that credit belongs to Civic Engagement Team and technical staff for the development of medical article series.

Director Santos read an article (Chrislock, M. [2022, May 25]. State Must Expand Use of Recycled Water. *Mercury News*, p. A10) on the use of recycled water based on science and facts and not on political pressure; cited Orange County as an example of the use of recycled water in replenishing its ground water for a decade now, and that there is no need for a desalination plant at this time.

The Committee mentioned about an enthusiastic response from the business community after a presentation at the San Jose Chamber of Commerce on how Valley Water played a role to support housing, development, and provided necessary services to the community; and requested staff to present a plan for targeted outreach efforts to the corporate employers, chambers of commerce and developers to engage them on the benefits of recycled/purified water. Ms. Struve would determine the timing on when to agendaize this topic at a future meeting of this Committee.

Dr. Arthur Keller, of unknown residency and affiliation, inquired if the public is allowed to look on the virtual data room, and whether members of the public could attend the meeting with Cities of Palo Alto and Mountain View. Ms. Struve responded that the virtual data room is only for short list respondents; and that the meetings with the cities are for staff only at this time.

The Committee noted the information, without taking formal action.

4.2 Update on Direct Potable Reuse Efforts.

Mr. Hossein Ashktorab, Recycled & Purified Water Manager, informed the Committee that staff have been continually monitoring, actively involved in related research, technical panels, submitting comments, participating in research and special studies, and attending public hearings on the released Addendum related to Direct Potable Reuse regulatory developments. It is anticipated that the framework and regulations would be completed and released by December 2023.

Mr. Ashktorab added that this year's WaterReuse California Annual Conference would be held in San Francisco and staff would be attending. For this year's conference, Recycled Water staff is planning to participate and include a tour of the Silicon Valley Advanced Water Purification Center.

The Committee noted the information, without taking formal action.

4.3 Update on Valley Water Desalination Efforts in Santa Clara County.

Dr. Samantha Greene, Senior Water Resources Specialist, discussed Valley Water's desalination efforts since 2003. She provided an update on the regional desalination project that is a collaboration among four Bay Area agencies and proposed to be sited in Contra Costa County on Mallard Slough. The regional desalination project would use Contra Costa's water rights to provide brackish water to the proposed desalination project. The regional

desalination project is currently evaluating ways to overcome water rights limitations that prevent a reliable supply of brackish water from being diverted to the plant. The committee asked for more information about the water rights issue. In response, Dr. Greene stated that there are two water rights— a license and a permit. The license is senior to the federal and state projects while the permit is junior to the federal and state projects. Since the license is senior, it is rarely curtailed, however, it was curtailed for a period during the 2012-2016 drought. The permit is frequently curtailed during summer months and drought years since it is subject to Term 91. Term 91 is included in the water rights contract when those rights are junior to the federal and state projects and allows for their curtailment when Delta conditions are, or risk being sub-optimal. Given the greatest need for desalinated water is during droughts, the curtailment of the water rights that would feed the plant poses some feasibility issues. Partners are currently looking for ways to mitigate the feasibility issues.

Dr. Greene also discussed a new planning study that Valley Water has recently began. The study evaluates regulatory and environmental feasibility of a desalination project in Santa Clara County.

The Committee noted the information, without taking formal action.

4.4 Discuss the Evaluation of Alternative Purification Technologies.

Mr. Medi Sinaki, Senior Engineer-Water Quality, acknowledged comments at the April 12, 2022 Board meeting by Dr. Steven White, San Jose State University Professor, pertaining to Structure Nanoparticle Adsorbent, Acoustic Nanotube, Photocatalytic Water Purification, Aquaporin Membrane, and Automatic Variable Filtration. Mr. Sinaki added that Valley Water continues to explore these technologies and others that are in the market.

The Committee expressed support for continued community engagement especially from Dr. White who provided professional perspective, and is at the forefront of these technologies.

The Committee noted the information, without taking formal action.

4.5 Discuss the 2022 Recycled Water Committee Work Plan, Upcoming Discussion Items, and Next Meeting Date.

The Committee requested the following, without taking formal action.

- Staff to present a plan for targeted outreach efforts to the corporate employers, chambers of commerce and developers to engage them on the benefits of recycled/purified water.
- Staff to present desalination to this Committee then to the full Board, upon the availability of the feasibility study, and consider the following:
 - ☐ Include copy of the *Desalination Environmental Feasibility Study*;
 - ☐ Recycled Water Exchange project with Contra Costa Water District and Central Contra Costa Sanitary District;
 - ☐ Mention that desalination was discussed on the Countywide Water Reuse Master Plan (CoRe Plan);

- ☐ Mention desalination's Bay Area connections, cite Australia example, and cost recovery;
- ☐ Notify all 15 cities and the county when this agenda item is published.

5.1 Adjourn to Regular Meeting at 12:00 p.m. on Wednesday, June 22, 2022

Board member comments and suggestions can be forwarded to Ms. Eva Sans, Assistant Deputy Clerk II, at (408) 630-2306, or by email at esans@valleywater.org.

Tony Estremera

*Director, District 6
Recycled Water Committee Chairperson*